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October 20, 2015

BY ECF

Honorable Judge Vera M. Scanlon
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Jermain James v. City of New York et al.,
15 CV 01161 (SLT)(VMS)

Your Honor:

I am a Senior Counsel in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, and the attorney assigned to represent defendant City of New York ("City") and Detective Gabriel Nacelewicz ("Nacelewicz") in the above-referenced matter. The City respectfully writes to memorialize the request it issued to this Court yesterday to seal the proposed summons attached to plaintiffs' Amended Complaint. See Docket Entry No. 23.

In or around July 2015, an inadvertent disclosure was made to plaintiffs of a confidential precinct location for, undercover officers, and certain narcotics officers involved in the incident which forms the basis of plaintiff's complaint. On or about August 14, 2015, the City informed plaintiffs' counsel that the service address listed for those officers was a confidential location and that at no point should any service processer attempt to serve the non-party officers at this location. See Exh. A, email from S. Sampale to D. Zelman dated August 14, 2015. However, the proposed summons attached to plaintiffs' Amended Complaint contained the confidential location that had inadvertently been disclosed. As such, the City requested that access to the proposed summons be sealed, which the Court did so promptly yesterday.

The City contacted plaintiffs' counsel yesterday afternoon via telephone and informed him of its request to seal the proposed summons and reminded him of its request to treat the inadvertently disclosed service address as confidential. See Exh. A. Plaintiff's counsel agreed. Exh. A, Id. It is the City's understanding that plaintiffs will issue a new summons to serve the officers named in its amended complaint with the alternative address provided by the

City and that the summons attached to plaintiffs' amended complaint in Docket Entry No. 23 will remain sealed.

I thank the Court for its time and consideration of the within request.

Respectfully submitted,

/s/

Suvarna Sampale
Senior Counsel
Special Federal Litigation Division

cc: **BY ECF**
David A. Zelman, Esq.
Attorney for Plaintiffs
612 Eastern Parkway
Brooklyn, NY 11225
Tel: 718-604-3072
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EXHIBIT A

Sampale, Suvarna (Law)

From: David Zelman <dzelman@civrtslaw.com>
Sent: Monday, October 19, 2015 4:47 PM
To: Sampale, Suvarna (Law)
Subject: Re: 7_14_15 Initial Disclosures, DRI, Dep Notices _ Jermain James Part One.PDF;7_14_15 Initial Disclosures, DRI, Dep Notices _ Jermain James Part Two.PDF

not a problem. dz

Sent from my iPhone

On Oct 19, 2015, at 4:35 PM, Sampale, Suvarna (Law) <ssampale@law.nyc.gov> wrote:

David,

Please confirm your receipt of the below in the Jermain James matter and that you will abide by the request going forward.

Thank you,
Suvarna

Suvarna Sampale
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From: Sampale, Suvarna (Law)
Sent: Friday, August 14, 2015 5:16 PM
To: 'David Zelman'
Subject: FW: 7_14_15 Initial Disclosures, DRI, Dep Notices _ Jermain James Part One.PDF;7_14_15 Initial Disclosures, DRI, Dep Notices _ Jermain James Part Two.PDF

David,

I would like to reiterate that the disclosure of the service addresses for the non-party officers in the initial disclosures of this matter was an inadvertent disclosure. The address listed for these officers is a **CONFIDENTIAL** location and at no point should any service processor attempt to serve the non-party officers at this location. Moreover, this address should not be shared with the plaintiffs, any member of the plaintiff's bar, or any other individual. Again, the service address for the officers Nos. 12 – 28 of (a)(1)(A)(i) of the initial disclosures is One Police Plaza, Room 1100, New York NY 10038. Please confirm that you will abide by this request, otherwise,

I will seek intervention from the court on this matter. Thank you for your cooperation and understanding.

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From: Sampale, Suvarna (Law)
Sent: Thursday, August 06, 2015 3:20 PM
To: 'David Zelman'
Subject: FW: 7_14_15 Initial Disclosures, DRI, Dep Notices _ Jermain James Part One.PDF;7_14_15 Initial Disclosures, DRI, Dep Notices _ Jermain James Part Two.PDF

David,

Please note a correction to the initial disclosures below. The service address for the officers identified in Nos. 12 – 28 of (a)(1)(A)(i) of the initial disclosures is One Police Plaza, Room 1100, New York NY 10038. I will be in touch regarding each of the officers involvement in the arrest.

Thank you,
Suvarna

From: Sampale, Suvarna (Law)
Sent: Tuesday, July 14, 2015 6:41 PM
To: 'David Zelman'
Subject: FW: 7_14_15 Initial Disclosures, DRI, Dep Notices _ Jermain James Part One.PDF;7_14_15 Initial Disclosures, DRI, Dep Notices _ Jermain James Part Two.PDF

David,

Please see attached Part One of the initial disclosures, deposition notices, interrogatories, and requests for documents in the Jermain James matter. A copy is being sent to you in the mail also.

--Suvarna

<< File: 7_14_15 Inital Disclousres, DRI, Dep Notices _ Jermain James Part One - (# Legal 5913127).PDF
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